

Notice of Allowability	Application No.	Applicant(s)	
	10/616,526	BREITER ET AL.	
	Examiner	Art Unit	
	TAUQIR HUSSAIN	2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 02/05/2009.
2. ☒ The allowed claim(s) is/are 1, 4, 7, 9 and 14-15 which are renumbered as 1-6.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>02/05/2009</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

/Kenny S Lin/
Primary Examiner, Art Unit 2452

DETAILED ACTION

Response to Amendment

1. This office action will vacate the previous Non-Compliant Appeal brief mailed on 02/05/2009 and an Advisory Action mailed on 02/12/2009.
2. This office action is in response to amendment /reconsideration filed on 02/05/2009, the amendment/reconsideration has been considered. Claim 1 is amended, claims 2-3, 5-6, 8 and 10-13 have been canceled and therefore, claims 1, 4, 7, 9 and 14-15 are pending for examination, the rejection cited as stated below.

Response to Arguments

3. Applicant's amendments filed on 02/05/2009 with respect to claims 1, 4, 7, 9 and 14-15 overcome all previous rejections and therefore, rejections to claims 1, 4, 7, 9 and 14-15 have been withdrawn.

Reasons for Allowance

4. The following is an Examiner's statement of reasons for allowance:
 - Claims 1, 4, 7, 9 and 14-15 are allowed.
 - Regarding claim 1 the prior art of the record neither alone or in combination teaches, determining if the selected stream server can handle the media format of a first media file, if the selected stream server can not handle the first media format, converting the first media file to a second media file having, a second media format, determining if the selected stream Server can handle the second media format, if the selected stream server can handle the second media format selecting the second media

file, if the selected stream server can not handle the second media format then selecting a third media file having a third media format, determining if the quality of the selected media file is too high for the connectivity properties of the client, if the quality of the selected media file is too high transcoding the selected media file, generating a meta file for the selected stream server, and initiating streaming from the selected stream server and

wherein the step of retrieving and considering the stream server's operating parameters further comprises the step of determining operating parameters of each stream server on the list of stream servers, wherein the operating parameters are formed by information about the supported media formats of the stream servers.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reasons for Allowance.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAUQIR HUSSAIN whose telephone number is (571)270-1247. The examiner can normally be reached on 7:30 AM to 5:00 PM.

Art Unit: 2452

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571 272 3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. H./
Examiner, Art Unit 2452

/Kenny S Lin/
Primary Examiner, Art Unit 2452